

REMARKS

Claims 23 – 25, 27, 29 – 33, 39, 40, 42, and 43 are pending in the present application. As the present Response does not include any amendments, no listing of the claims is included. Applicants respectfully request entry and consideration of the present Response, at least for the purposes of placing the present application in better condition for appeal.

Claims 23, 39, 40, and 42 have been rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,826,497, to Marcus et al ("Marcus"). Applicants respectfully traverse. Claim 23 is independent.

Independent claim 23 recites a method that comprises, *inter alia*, distributing zeolite granules on a first non-woven web. The zeolite granules are the sole odor-absorbing materials incorporated into a tampon. The zeolite granules are one or more natural zeolites selected from the group consisting of clinoptilolite, chabasite, and a combination thereof.

Marcus states that synthetic materials are used in the articles therein (col. 5, l. 9-18), in contrast to the requirement in claim 23 that the zeolites be natural. Silicalite and F-silicalite, said to be "particularly suitable" in the articles of Marcus (col. 5, l. 24-25), are synthetic molecular sieves. The Office Action states on p. 2 that the present claims "do not disclose how the zeolites are considered to be natural". Applicants respectfully submit that there is no need to further define "natural" zeolites, as this term is well known by those skilled in the art.

Marcus itself discloses and acknowledges that there is a known difference between synthetic and natural zeolites. In discussing a Japanese reference, Marcus states that the absorption ratio of the (synthetic) holmite disclosed is "about four times that of natural zeolite" (col. 2, l. 33-35, emphasis added). Furthermore, the term "natural" zeolite is used widely in the field to distinguish between zeolites that occur in

nature, and those that are synthesized in manufacturing processes. See, e.g., <http://en.wikipedia.org/wiki/Zeolite>, sec. 1, "Properties". The Wikipedia article in fact states that "naturally occurring zeolites are excluded from many important commercial applications where uniformity and purity are essential" (Id., emphasis added), echoing statements in Marcus that teach away from the use of natural zeolites in tampon applications.

In addition, while Marcus may disclose embodiments where only one odor-absorbing material is used, it does not disclose any embodiment where the required, natural zeolites of claim 23 are used. The only disclosure of clinoptilolite in Marcus is at col. 7, l. 23, as acknowledged on p. 3 of the Office Action. This embodiment of Marcus, however, only discloses clinoptilolite in addition to other molecular sieves previously discussed. Marcus, therefore, fails to disclose any embodiment where the sole odor-absorbing material is a natural zeolite, as required in claim 23.

Accordingly, claim 23 is patentable over Marcus, as are claims 39, 40, and 42, which depend therefrom. Applicants respectfully request that the rejection of claims 23, 39, 40, and 42 be withdrawn.

Claims 24, 25, 27, 29, and 43 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus in view of United States Patent No. 5,165,152, to Kramer et al. ("Kramer") Claims 24, 25, and 43 depend from claim 23. Claim 27 is independent, and claim 29 depends therefrom.

Kramer fails to cure the above-described deficiencies of Marcus, and is not relied on by the Office Action to do so. Therefore, for at least the reasons provided above with respect to claim 23, claims 24, 25, and 43 are patentable over the combination of Marcus in view of Kramer.

Independent claim 27 recites a method comprising, *inter alia*, distributing zeolite granules on a first non-woven web. The zeolite granules are one or more natural

zeolites selected from the group consisting of clinoptilolite, chabasite, and a combination thereof, and are the sole odor-absorbing materials incorporated into the tampon.

As previously discussed, the cited combination of Marcus and Kramer fails to disclose or suggest natural zeolites, selected from the recited group, that are the sole odor-absorbing materials in the tampon. Therefore, claim 27 is patentable over Marcus and Kramer, as is claim 29, which depends therefrom.

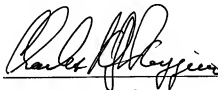
Therefore, the rejection of 24, 25, 27, 29, and 43 under 35 U.S.C. §103(a) as being unpatentable over Marcus in view Kramer has been overcome. Applicant respectfully requests that the rejection of these claims be withdrawn.

Claims 30-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Marcus in view of Kramer, and further in view of United States Patent No. 6,030,608 to Hoyes et al. ("Hoyes") Claims 30-33 depend from claim 27. As previously discussed, the cited combination of Marcus and Kramer fails to disclose or suggest claim 27. Hoyes fails to cure this deficiency, and is not relied on by the Office Action to do so. Therefore, for at least the reasons provided above in support of the patentability of claim 27, claims 30-33 are patentable as well. Applicant respectfully requests that the rejection of claims 30-33 be withdrawn.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", written over a horizontal line.

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